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Patent Application
Attorney Docket No. A2247-US-CIP
(XERZ 2 2 00563-3)

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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT

In re Application of: **Richard Bruce, et al.**

Application No.: **10/616,366**

Group Art Unit: **2621**

Filed: **July 09, 2003**

Examiner: **Tabatabal**

For: **APPARATUS AND METHOD FOR DETECTING AND LOCATING RARE CELLS**

The owner, Xerox Corporation, of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer of prior Patent No. 7,113,624. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

☒ The undersigned is an attorney or agent of record.

May 29, 2007
Date

Sue Ellen Phillips
Signature

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I hereby certify that this correspondence, and any item referred to herein as being attached or enclosed, are being transmitted to the U.S. Patent and Trademark Office by facsimile in accordance with 37 CFR 1.18 to Centralized Facsimile No. 571-273-8300 on the date indicated below.

May 29, 2007
Date

Mary M. Schirner
By: Mary M. Schirner

☒ Please charge \$130 to Deposit Account No. 24-0037 for the terminal disclaimer fee under 37 CFR 1.20(d). (An additional copy of this paper is enclosed.)

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Dianne Ayers
Patent Financial & Trademark Coordinator

VIA FACSIMILE: 571-273-6500

June 5, 2007

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To Whom It May Concern:

The following item was incorrectly debited to our May 2007 account statement for 24-0037:

Serial No.	Date Posted	Control No.	Amount	Type
10/616,366	5/31	36	\$130	D

Our deposit account was charged for a Surcharge for late filing fee or oath or declaration - fee code 1051. However, this is incorrect. Our outside counsel submitted a terminal disclaimer in May 2007. The fee code charged should have been 1814. Therefore, please credit our deposit account in the amount of \$130 to reimburse us for the incorrect charge and properly debit for the fee code 1814 for the Terminal Disclaimer submitted.

Thank you for your attention to this matter.

Very truly yours,

Dianne Ayers 6-5-07

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